

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

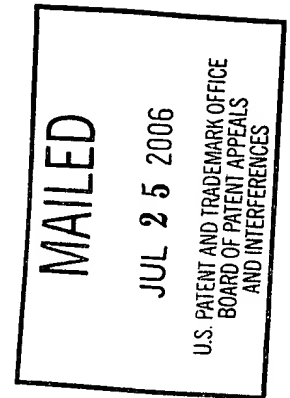
Ex parte JAMES C. COLSON and BRIAN LEE WHITE

Application No. 09/737,341

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 22, 2006. A review has determined that this application is not ready for docketing as an appeal. Accordingly, this application is herewith returned to the Examiner. The matter requiring attention prior to docketing is identified below:

On January 17, 2006, the USPTO received a Reply Brief submitted by the Appellants. There is no indication on the record that this paper was properly acknowledged by the Examiner.



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37 CFR § 41.43(a)(1) provides that:

After receipt of a [R]epley [B]rief in compliance with [37 CFR] § 41.41, the [P]rimary [E]xaminer must acknowledge receipt and entry of the [R]epley [B]rief.

Correction is required with respect to the above-mentioned matter.


Accordingly, it is

ORDERED that the application is returned to the Examiner:

- (1) to provide appropriate notification to Appellants of said consideration of the Reply Brief; and
- (2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


Dale M. Shaw
Deputy Chief Appeals Administrator
(571) 272-9797

THE CULBERTSON GROUP, P.C.
1114 LOST CREEK BLVD.
SUITE 420
AUSTIN, TX 78746

DMS/hh